

In new claims 32 and 33 which depend on claim 31, the glass transition temperature has been indicated.

Support for these claims can be found respectively in page 9 lines 27-31 and page 9 lines 1 and 2.

New claims 34-38 correspond to former claims 26 to 30.

Claims 25-30 are rejected under 35USC§103 as being unpatentable over Yotka et al. (US 5,458,892).

New Claims 31 to 33 have been amended , and relate now to a boiled sugar composition comprising:

- at least one not very soluble compound selected from sugars, polyols and mixtures thereof, and
- at least one anti-crystallizing agent comprising a fraction of at least one compound selected from the group of pyrodextrins, polyglucoses and mixtures thereof with a molecular weight in the range of 4000 to 5000 Daltons,

whereby the boiled sugar composition is stabilized against humidity by microcrystallized surface layer.

The problem to be solved by the Applicants was to provide for a new boiled sugar composition suitable for a direct and simple process for the manufacture of plain boiled sugars which, as indicated in page 8 lines 16 to 23 of the specification :

- do not become sticky,
- do not grain or turn opaque and white in surface,
- do not become misshapen at normal summer temperatures in temperate climates.

The solution found by the Applicant is to associate:

- a sugar or a polyol having a low water solubility (lower than 60g/l) and selected among a very small number of compounds,
- to a specific anti-crystallizing agent selected among pyrodextrins having a molecular weight ranging between 4000 and 5000 daltons.

Thanks to said association of two very specific components, the formation of a micro-crystallized layer on the surface of the boiled sugar is allowed. Such a layer limits the transfer of water from the atmosphere to the boiled sugar, as it is indicated in page 9 line 23-25 and thus the boiled sugar are stabilized against humidity.

Said solution could not be deduced from Yotka et al.

In fact, Yotka is essentially related to the manufacture of chewing gums and only three examples of this reference concerns hard candies : see examples 190 to 192.

But, the polyols which are used in said candies, i.e. maltitol, xylitol, sorbitol, are highly soluble polyols and therefore are not suitable for the manufacture of candies according to the present invention.

Furthermore, the pyrodextrins which are used in said candies (Fibersol 1 and Fibersol 2) do not correspond to pyrodextrins having a molecular weight of 4000 to 5000, such a range being very specific and very narrow.


Thus, Yotka et al. teaches away from the invention.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted.

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